

AN
EXAMINATION
OF THE
IMPARTIAL
State of the CASE
OF THE
EARL of DANBY.

IN A
LETTER
TO
A Member of the House of Commons.



L O N D O N :
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AN
EXAMINATION
Of the (pretended) Impartial
State of the CASE
Of the EARL of DANBY, &c.



Hough I have little curiosity to read the Pamphlets that swarm at this time, and think it almost as great an Errour to mix with the Crowd of Writers, as to mingle with any other Riot; yet I was drawn from my own Inclinations, by so specious a Title, as, *An Impartial State of the Case of the Earl of DANBY*, having been conversant in many Affairs that relate to that Lord.

At the first Reading of it, I was not a little surpriz'd to find, (as I then thought) a thing Publish'd with such a Title, and confirmed with such confident promises of Truth, and yet to be compos'd of Three things so far from Impartiality.

The First is the manner of Arguing, which is most upon Questions begg'd.

The Second is, of many Untruths, which I presum'd were easie to make appear by matter of Fact.

The Third is, an endeavour to fix upon the King, most of the Errours and Crimes that were Charged on him.

Yet with this first Notion I was not satisfy'd, but read it more carefully the second time; and being then convinced it was subject to these Errours, I thought it my Duty to my King and Countrey, to let them not be ig-

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norant of any Information that I could give; since some particular knowledge that I am furnisht withal, makes me more capable to present them with some Observations than others, though of greater Abilities then I, cou'd have done.

I therefore apply'd my self to Examine this sharp Censure upon the Parliament, for so ill Rewarding the Merits of this Deserving Lord, as to *let Malice have too great a share in his Prosecution*: And in the same place there is an assurance, that nothing should be related, but what may be depended upon for Truth.

Who the Authour of this is, I cannot tell; but if it were not the Lord himself, 'tis a Friend more passionate than usual, and one that gives him so large a Character, and in whose Cause he Condemns both King and Country; that it seems hardly credible, that one man should be so extravagantly kind for another, but rather the production of Self-Interest and Conceit; and comparing the Stile and Arguments with this Lords Speech in the House of Peers when he was Charg'd, it helps to confirm my Opinion, that this Lord was the Friend that Writ it; and 'tis more probable, that he is so much a Friend to himself, than that any other should be so to him.

I shall now proceed to particular Remarks, and begin with the first matter of Fact; *The faithful Discharge of this Lords Trust as Treasurer of the Navy, to the satisfaction of His Majesty, and the great content of the Sea-men.*

'Tis fit to observe, That this Office depends on the directions of the Commissioners of the Navy what to pay, and on the Lord Treasurer, or Commissioners of the Treasury, for Money to pay; so that if this Lord gave content, it seems he was supplied to make himself capable of the performance. But his Impartial Friend attributes all this to his Lordship, as he does other things to his Management with so much *Prudence and Success*.

But yet it will appear he has but ill-luck in his first Assertions; for since the Treasury of the Navy is so confin'd, the great Trust that remains in him, is onely in Sums of Money, which can be violated by no ways, but false-

falsely disposing it, or applying some to his own private use ; the last of which has been counted a high Crime ; for the King's Treasures have ever been taken to be *Sacra Patrimonia*, and none were to use any of it, but were liable to great punishments.

But this Lord ventur'd to apply Two thousand seven hundred forty seven pounds five shillings and eleven pence of the Kings Money to his own use , and was short so much in his Account for his *Faithful Discharge of Treasurer of the Navy* ; and was forgiven it by a Privy-Seal, bearing date the 21 of February, 1676. which was about three years after he was Lord Treasurer. A seasonable time to pass such an Account , to be forgiven for some Money , when he had gotten the Command of all the rest : but I shall not dispute whether this fault hinder'd His Majesty from being satisfy'd with his performance in that employment , since his bounty and goodness was in other things much more extended to this Lord ; but how well returned, will appear by the following Observations.

After this stumble in the Threshold, he proceeds to his advancement in 73. to the place of Lord Treasurer, which, he says , he managed with so great *Prudence and Success*, that contrary to all Mens expectations , but especially of his *Enemies* (who assured themselves of his immediate ruine by that Preferment) he supported for near six years that condition of his Master , which it was not then thought cou'd have been made to subsist for so many Months, without any Supplies or Burthens laid upon the People in all his time.

Here his Impartial Friend begins boldly to assert, and as confidently to beg the Question ; That this Lord supported the Kings Condition for six years, that was thought cou'd not have been made subsist six Months. I believe 'twould puzzle the Author to name the Persons that were of this Opinion ; for they cou'd find no subject-matter for their Judgment, but must be guided by Flattery or Ignorance. And 'twere very uncharitable, if not malicious, to believe , that those that Managed the Revenue before this Lord, should be so weak and dishonest, (for less than such a Conjunction, cou'd not reduce such a Revenue to so deplorable

plorable a condition) as to give any a just ground to believe they had not left a subsistence for six Months.

This heavy Charge on his Predecessours, seems not onely very partial, but very extravagant ; which will be best discerned , by examining the great *Success* and *Prudence* of this Lord ; and perhaps it will appear , that Men shou'd rather have judg'd , and his Enemies have apprehended , that the Kings Revenue was left in such a condition to this Lord, that it might easily have been supported for much a longer time than six years ; and if any Calculation was made for his Ruine, it must have been from other causes.

As to that of Supplies, it is very true, that there were none given directly to the Kings sole use in his time : but the Eighteen Months Tax for 1238750 *l.* which was given in the Lord *Cliffords* time, was all paid in this Lord's ; half of which, *viz.* the last three Quarters, was solely disposed by him, and the first three by the Lord *Clifford*, for Publick Uses ; which contributed to leave the Kings condition in a better posture than is here acknowledged ; which will be shewn in a more proper place, when I set down the state of the Kings condition, in point of his Revenue , as it was left by his Predecessour the Lord *Clifford*.

At the same time I will present how this Lord left it ; by which every reasonable man will be best convinc'd. Yet before I plainly set them down, I will beg leave to take notice of some Particulars, which perhaps may be useful to the consideration of the Generals.

The first Illustration of this Lords Prudence is drawn from the Chargeable War with the *Dutch*, the whole burthen of which, this Impartial Friend wou'd lay upon this Lord to discharge ; forgetting, or resolving to forget all but his concerns ; and that the War was begun in the time of the Commissioners, and the great Charge of it was in the time of the Lord *Clifford* , who might as well complain, that he had no benefit of any Tax given in his time, as this Lord, that there was none given in his.

But that I may not say more than I can clear, nor desire to be believed onely from confident affirmations , I must

acknowledge that I have seen the disposition of the three first Quarters of the Tax : the first was made the third of *April*, 1673. which was not three Months before the Lord *Clifford* resign'd his staff ; the second also was signed by the Lord *Clifford* ; the third Quarter was projected by the Lord *Clifford* with this Lord , then Sir *Thomas Osborne*, whose Name I have seen to the bottom of the List, being so entered at the Exchequer : the other three Quarters were not meddled with , but left wholly to the disposition of this Lord , in whose time also, all these six were paid. Concerning other Taxes and Monies , I shall give the Account in a more proper place , and onely add this Observation, That all Assignments upon this Tax, ever found credit for the advancing of Money ; and this burthen of the *Dutch War* did not lye so wholly upon this Lord, nor was the Tax so unuseful to him in discharging of his part of it.

I will not unnecessarily dwell upon particulars, as, what Arrears were upon several Offices ; the general states when laid down will best answer that : but I will onely touch upon some others that will not relate to that, whereby every thing may have its just examination.

One great particular applyed to the Honour of this Lord, and to the Infamy of others , is the settling the Debt to the Goldsmiths ; which yet is not a Debt paid, but the settling of a perpetual Interest to be paid. I will not deny but 'twas a just and good action ; nay, though Mr. *Coleman* claims a share in it, whose benefit perhaps only made him active in it.

But upon this occasion I would onely present a small view of the Impartiality of this Writer ; he calls this stop of the Exchequer an Infamous Action , and fixes it upon many persons, allowing no excuse for them ; though it was own'd by the King in a publick Declaration , by reason of the necessity of Affairs ; but when this Lord was Charged with Crimes of higher natures , he allows the Plea that the King commanded it, and though privately, to be sufficient to wipe off all Infamy from him. This cannot appear good Reason, or clear Justice, and less shewed towards the

King than any : if this Lord be charged with an ill Action, it must be fixed on the King ; and if a good one be to be claimed , 'tis wholly applyed to this Lords Honour , and the King must be allowed no share of his own goodness.

The next particulars he uses to help shew what great things this Lord performed, is, the War of *Algiers* , and the Rebellion in *Virginia* : the last quickly ceas'd ; and while both hapned, if there had been a considerable Fleet for Summer and Winter Guards kept out besides, it had been a matter of some consideration ; otherwise, the sparing of those , was more considerable than the paying for these.

Other more slight particulars are set forth in the next Paragraph ; the great abatement of the Corn-Act, to the diminishing the Customs Threescore thousand pounds a year : The Act for Prohibiting the *French* Commodities , which has lost not less than one hundred and fifty thousand pounds a year from the said Revenue , which this Lords Predecessours did receive yearly into the Exchequer. What these Acts might lessen from what the Customs might have been none, can well guess ; but one thing will confute the Argument, *viz. That there was more paid in his Predecessors times* ; for let any take a Medium of the time of this Lords being Lord Treasurer , and 'twill appear , the Customs never yielded so much as in his days.

The next complaint is, the 200000 *l.* borrowed on the fifth part of the Excise , and the inconvenient manner of repaying it. This I confess is hard to be understood : for in some measure this Money was of use, not of disadvantage to this Lord ; for the full 200000 *l.* was lent in his time ; and at his going out, on the 25th of *March*, 1679. 83400 *l.* was left to pay , which since was paid by these present Commissioners ; so that of consequence that sum was used in the assistance of his management , and not the whole any burthen , to make the work so much the harder for his *Prudence* and *Success*.

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The next Paragraph sets forth *this* Lords care to be very great, to see Money applyed to the most publick uses, as will appear by the weekly Certificates in the Exchequer, (to which he appeals) and from which publick uses he never diverted one penny that was so appropriated, (notwithstanding the many false suggestions to the contrary, &c.)

This dark Text needs a Commentary. First, as to the Weekly Certificates of the Exchequer: 'tis to be observ'd that they do indeed give an Account of all Appropriated Moneys; but by the way, lest it should be taken for granted it does so of all other Moneys, 'tis fit to let it be understood, that though it should and ought to do so, yet this Lord caused many Sums of Money to be paid by his private direction, and never conizable in the Exchequer; which the Commissioners of the Excise cannot deny; and Mr. Bertie, or a private Letter, the Voucher for their being plac'd and allow'd to their Account. That he never diverted any appropriated Money (he means, I suppose, by Acts of Parliament) is very true; but 'tis as true, that he could not have done it, if he had the inclination to have attempted it; for his Warrant or directions would have met with no obedience in the Exchequer; for the Auditor would not have directed Monies, nor the Tellers have paid it to a wrong Voucher; which renders not the Exchequer a proper way for private dispositions of Money; for there no Lord Treasurer can be obey'd against an Act of Parliament expressly directing, nor in any thing that is deriv'd solely from his own Authority: but yet where this Lord had power to divert, he has not been scrupulous to use it; for when Money was lent on the credit of the Fifth part of Excise, he hindred it from coming in; (which was often complained of publickly at the Exchequer by the Lenders of the Money) and diverted it to other uses: Nor can the late Commissioners of the Excise deny this; if they should, the Lenders will prove it, who daily solicited them to bring it in.

A second instance is in the Poll-Bill, which was given for an actual War with *France*, upon which many East-land

land Merchants were promised payment for Hemp and Masts, and other Furniture for Ships, which were taken up of them; but no care taken to reserve Money for them out of the Act, but are now before the present Lords Commissioners, who are contriving Securities, or Payments for them; so that it seems this Lord observed just Rules where he could not violate them, and broke them where he had power or opportunity.

In the same Paragraph this Lords Industry is set forth, in the Improving the Kings Revenue: but this was no peculiar Industry in this Lord that was unprejudiced; for the Customs were once let for 300000 *l. per Annum*, and improved to 600000 *l.* just before his time, and the Excise was likewise improved; but this is more the Industry of private men, than of a Treasurer; for by their desire of gain, they bid upon one another; which a Treasurer must receive, or put out the Candle they bid by; as they say was done in the Case of Mr. *George Pitt*, and Mr. *Brett*, &c.

Nor was the Art new which he there bragg'd of, to break a Bargain, and resume the Farm of the Excise for the Kings advantage; for the Lord *Clifford* made him a President for the like trick, by re-suming the Farm of the Customs, which he had let to Sir *William Bucknall* and others, for 600000 *l. per Annum*; so that I can neither say the Art is new or good.

Lastly, if this Lord so improved the Revenue, he has also improved the Argument against himself, if he has not used it with that Success and Prudence which is so boasted of in the beginning.

For the Revenue of *Ireland*, I can say little to it; only the Charge that my Lord *Ranelagh* lyes under, and the protection always shew'd in keeping that business from a strict Examination, does not seem to make out any advantage that the King has found by the disposition of that Farm.

The next Honour that is attributed to this Lord, is, that he paid rarely more than Eight per Cent. for Money
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borrowed , notwithstanding the shakes lately given to Credit , &c.

I hope this knowing Man in the Exchequer would not for proof appeal to the weekly Certificates for this ; if he does, he will find nothing there of the payment of any such Interest at all ; for this Lord practic'd most upon Tallies of Anticipation , the way that has been the great destroyer of the Revenue ; which is done by a fictitious Bill thrown down by a Teller for Money, when really he has it not, and he discharged by a Tally instead of an Issue ; which Issue is removed from being vouch'd by Record in the Exchequer ; so that when 'tis paid, or when the Interest is paid, or what Interest is paid, never appears there ; so that all the vouching lyes among those that deal in Money ; and if they can but agree well , there is no fence against their Combinations. This I set down as briefly as I can , onely to shew, that this Lord could not know what Interest he paid , though he might know what he agreed for : for if a Tally is to be paid a year after, the Interest may commence with the date of the Tally, if they be but pleased to agree ; and when the Farmers or Contractors of the Excise have advanced great Sums , the Commissioners have by their Acquittances given Vouchers instead of Records , for the Commencement of the Interest ; and I have heard, (nor is it improbable) that they were all very well acquainted.

The next Paragraph is of greater moment , answering the scandal that the Revenue has been squandred under the name of Secret Service ; and upon this , shews from the Certificates of the Pells, that there has been accounted from *Easter 73*, to *March 79*, Eight Millions sixty two hundred seventy six thousand seven hundred sixty seven pounds, besides the Interest of the Goldsmiths , and divers other particulars which are not included in that Account ; and then desires it may be computed what could possibly remain to have been laid out extravagantly , and 'twould appear a very inconsiderable Sum.

First, 'tis to be observed , That 'tis confest there are di-

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vers particulars which are not included in that Account of the Exchequer ; but the Argument that is here offered, is drawn from the Comparison of what that Account is, and what the Revenue may amount to in that time ; which infers, that onely the Revenue is brought to that Account ; but since he desires a Computation , I will furnish him with one more particular than perhaps he desires ; and then (the vail being pull'd off) this fallacie among others will be discovered.

First, The Revenue in that time , may indeed amount to about that Sum ; but in the Account of the great Sum he sets down, there are these Particulars contained, *viz.*

The Eighteen Months Tax, amounting to	1238750 <i>l.</i>
The Tax for Building the Thirty Ships,	584978 <i>l.</i>
On the Fifth part of the Excise,	200000 <i>l.</i>
The Poll-Act,	252900 <i>l.</i>
The first Act for Disbanding the Army, and other Uses, &c.	} 619388 <i>l.</i>

This had appeared an Argument of some moment , if it had been stated upon the Account wholly of the Revenue , and that it had been left uncharged by this Lord : but without searching into the fallacies of it, the condition of the Revenue as it was left by this Lord, will best determine his *Prudence* and *Success*.

The next thing insisted on, is *Secret Service* , which he says , *those that are versed in the Exchequer know* , that many Sums are included in that way of Payment , that are either for *Publick Service upon Expedition for sudden occasions* ; or to save greater Fees , where His Majesty is pleased to let it be so , as in the Case of the Lord Treasurer and Chancellor of the Exchequers Salaries, &c.

This is a compound of Mistakes : for there are none in the Exchequer that can know what any Secret Service Money is applied to ; for the Orders are in a us'd name, and no Service mentioned ; but the words betray themselves : for if it be for saving of great Fees , 'tis of consequence that

that the Exchequer knows not what 'tis for, or else they would have their Fees accordingly; but for this very cause, because those that were versed in the Exchequer did not nor could not know what such Monies were for, the passing of such Orders was stopt by the Officers, till the certain Fees were agreed; for otherwise they took it as free gift; and rather than it should be known what it was for, a proportion of Fees were consented to. But the particular instance of saving the Lord Treasurers and Chancellors of the Exchequers Fees on their Salaries, by this way, is yet more unluckie; since if the Author had been at all versed in the Exchequer, he would have known that there was never any Fees demanded or taken for those Salaries (though the Orders came in their Names, and the payment exprest,) since the Exchequer had a being; and this very Lords Pension of 8000 *l. per Annum*, was never included in Secret Service, and yet paid without Fees.

As for the Sum paid, as I remember, 'twas delivered in Parliament to be 252467 *l.* paid in two years and about three Months; upon which I shall onely say, that it was much more than was used in all the time before: and since he says that one third at least, if not half the payments for Secret Service, might be exposed to view as well as other Payments; I cannot dispute it, but onely wish they had either been so exposed, or else not so paid, that those jealousies of ill disposing Moneys, and corrupting Members of Parliament, had not so much prejudiced the Kings Affairs.

As to the way of Arguing, That this private Account is better than what was formerly contrived: It is not my design to dispute upon the comparisons of ill things, but leave every thing to be considered abstractedly, and to bear its own proper weight; but without question, the issuing of the Kings Money ought to be publick, and the occasion intelligible on the Records; unless the Privy-Purse, for which none sure would grudge a plentiful provision; and no just Bounty or Reward ought to be concealed;

cealed : 'tis just and honourable for a King to bestow , but not for others to have the secret power ; nor can any thing be more inconvenient, than too great opportunities of power given to any Subject ; it breeds and nourishes temptation in him, and suspicion in others ; and what two greater Rocks can a King Govern between, than too much power in one, and the jealousy of that in all others ?

I will instance one particular that shew'd a subject for these two , and 'twill be easie to judge, how immodestly power was used, and what just jealousies it must give ; it far exceeded this way of Secret Service ; for a whole branch of the Kings Revenue , and no less than the Excise, was endeavoured to be brought under the sole disposing of this Lord, out of all due course of Common-Law, (for so the Method of the Exchequer is taken to be) by a particular Patent under the Broad Seal ; wherein an Office of a general Cashier was erected , and one Mr. *Kent* put in ; which project the Patent says was seriously examined by the Lord Treasurer , and the Chancellour of the Exchequer, &c.

The Chancellour of the Exchequer was then Sir *John Duncombe*, who utterly renounced the knowledge of it , and thought it a Patent of a most dangerous consequence ; besides, in the same Patent, when it comes to the disposition of the Money, it leaves out the Chancellour of the Exchequer ; and says, it shall be *paid into the Exchequer, or in such other manner as the Lord Treasurer shall think fit*. These are the very words ; and 'tis probable, if that the Chancellour of the Exchequer had approved this and some other things, he had not been removed from an employment which he performed with so much uprightness.

This Patent was questioned in Parliament ; and being of so infamous a nature , and a Question accordingly form'd, *That this Patent is illegal, and of dangerous consequence ;* this Lord found such open friends (perhaps by Secret Service) that though they granted themselves 'twas an ill Patent , yet for fear it should be part of the Charge made
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good against this Lord, and not being yet so hardy as to give their Negatives, found out an invention to avoid the sure blow, by the Orders of the House, which give a freedom for any to move for the adding or taking away any words to the stated Question; upon which priviledge they mov'd and seconded one another with private zeal in this publick Cause, to leave these words out of the Question, *viz. Illegal, and of dangerous consequence*; which they carried in the Affirmative, and then the Question onely remained,

This Patent is-----

'Tis easie by this to judge, what power an Ambitious Man may aim at; and what jealousies excess of power in a Subject may justly give, since it could thus operate upon the major part of a House of Commons, and leave such an incomparable Question upon their Books.

I have dwelt too long perhaps upon these particulars, from which I confess no demonstrative Argument of the whole is to be fram'd; but I thought it fit to shew what Artifice lay hid under every specious particular, and how little the promise was performed of relating nothing but Truth. What excuse the Author would make, I cannot guess; unless that he was unfortunate to choose such a subject to defend, that always gave great suspicions to be inseparable from the contrary.

I will now give a plain Account of the Generals, which must be the sure proof of all; first, As to the condition of the Revenue, how it was left by the Lord Clifford; of which I have procured a Copy truly written from the Original Paper, under Sir Philip Floy's hand.

C O P Y.

June 10. 1673.

THE Customs were Charged with about 153000 L. for the Navy, Ordnance, &c. and I hope this last Fleet will go near to clear it.

Almost two Thirds of the Rent of the Excise for the Quarter due at Michaelmas next, is Charged for the Forces, Cofferer, &c.

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All the Forces are provided for till the 25th of July, and the last new Additional Leavies till Michaelmas next.

The Household is provided for till Lady-day last.

The Treasurer of the Chamber till Christmase last, except the old Arrears in the late Lord Treasurers time.

The Office of the Works till Lady-day last.

The great Wardrobe hath been supplied from time to time, as their most pressing occasions have required.

Tangier is weekly provided for on the Customs.

The Ordnance hath had as much yearly in proportion, as in the former Dutch War; but by reason that that Office hath not kept the Accounts, I cannot justly say how that Office stands.

The Victualler is paid within a small matter, except the last agreement for the Land-men.

The first Three Quarters of the Tax given by the Parliament are assigned; the three last are untoucht, which amount to about

} 600000 l.

There will be in October and November for payment of the Fleet and Yards, in ready Money, these three following Sums.

<i>From the Advance of the Excise</i>	150000	} 342500 l.
<i>From the French Money</i>	112500	
<i>Upon the 3 Quarters of the Subsidy</i>	80000	

The Chimney-Money and the Law-Bill are left free, to be Charged as there shall be occasion.

By this it appears, that there was 942500 l. left in Money, and the Charge upon the Revenue not 300000 l. for the Excise was left Charged not above 110000 l. when the Lord Clifford went out; and whether this be a Truth, any that doubts it may be resolved by Sir Stephen Fox, or Mr. Richard Kent.

And to shew also that the Condition of the Customs was truly presented, and the Lord Clifford in his Paper guess'd right: that the return of the last Fleet would clear it; I have obtained a Copy of a Letter written from Mr. Mounteney, who was then Cashier of the Customes, to Sir Robert Howard, the then Secretary to the Treasury.

COPY.

C O P Y.

S I R,

I Have a List signed by the Lord Treasurer Clifford, and Confirmed by the present Lord Treasurer, the said List being wholly paid, onely Eight thousand four hundred pounds payable to the Treasurer of the Navy. I do hear there are several Talleys struck on the Customes, but I know not of what value, nor to whom payable. I understand the persons have made their applications to my Lord Treasurer, and that my Lord intends to make a new List; which is all I can say to this Affair.

Custom-house, London,
the 10th. of Nov. 1673.

Sir,
Your very humble Servant, .

Rich. Mounteney.

It now remains to shew on the other side, the effect of the great Prudence and Success so boasted of, by as faithfully presenting the State of the Revenue at *Lady-day* 1679. when this Lord left it; and to be as clear in this as I was in the other, I have obtained likewise a Copy of it, as it was presented to these present Lords Commissioners of the Treasury.

The Charge upon the Three great Branches of the Kings Revenue Computed to remain, *Lady-day*, 1672.

Remains unpaid of Tallies Charged,	
on the Customs,	} 435106 01 00
Of Tallies Charg'd on the Excise,	550464 15 04
To repay the Advance	250000 00 00
The Charge on the Hearth-Duty by	
Tallies and the Advance-Money,	} 250000 00 00
Total	1485570 16 04

And now the equal Reader is left able to judge, (though the Impartial Author says he is not) whether this Lord, or
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the People of England, be most unhappy in his Misfortunes : but to those that will not take the pains to examine this, and are not convinced there never was a better Officer in this station, he proposes a new sort of Evidence from Coffee-houses themselves, who have complained of the good Husbandry this Lord used for his Master, for fear it should keep off the use of Parliaments.

I will not wonder at such a proof, for the Writer uses always great liberty; but I will onely do the same, and desire those persons also that will not take pains to examine this, to receive the Evidences now in the Coffee-houses for his Lordships Character. I am almost perswaded, that if Ballads had been sung in his favour, they would have been urged as Evidences of his Innocency; but I dare not take the liberty to urge those that are sung on the contrary, for Testimonies of his guilt; but after such Evidences as Coffee-houses introduced, the next may probably be Ballads.

I have now finisht my Observations on that part of this Lords Ministry which belonged to the Treasury, and shall now proceed to State-Affairs, in which other Sphere, (for 'twas not enough to shine in one) the Impartial Author presents him as great a Minister as he has done a Treasurer; concluding as he begun, *That what he had said concerning this Lords Administration in his Office as Lord High Treasurer, he spoke upon certain knowledge; and what he shall say in relation to his Transactions in the Affairs of State, are partly so, and the rest upon such assurances, that he is no less confident of the Truth of them.*

Thus he tells us, that he builds upon some assurances by him received, as firmly as on his own certain knowledge. This I suppose he might do, without any Compliment to those from whom he received them; for by the Examinations of all compared, 'twill I suppose appear, their Credits ought to have no preheminance.

He first introduces his Discourse with a Complaint he heard this Lord make, that *it was an infinite Misfortune to him*

him, that His Majesty did take him so much from the business of the Treasury, whereby he could not make those improvements in his Revenue, and give those dispatches that were necessary; and express his regret that he was employed in any other business than the Treasury.

As to the improving of the Revenue, it has been discours'd already; but for Dispatches, I suppose he did not believe much time was necessary, if it be true, as I have heard, That he endeavoured to gain a belief in His Majesty, that no man could be a good Treasurer, that was easie of access.

As for that regret this Lord had, for the increase of business, and consequently power in the Kings Affairs; I shall onely make some Observations upon this Lords Temper and Proceedings; which will shew, he rather desired to engross all Affairs, than share any. The assurance of a modest and confin'd nature, would have best appeared, by the easie and friendly carrying on the Kings business with such Ministers and Officers, as were of good repute; but instead of that, this Lord shewed a Temper of a contrary nature, by attempting the removal of every one that was not prostrate enough to him: he began with Sir *John Dancomb* and Sir *Stephen Fox*, men of most unquestioned worth in their Employments: then brought a Charge in the Council against Sir *Robert Howard* Auditor of the Receipt, the success of which is publickly known, and might questionless have been very well guessed by this Lord; but there were two great causes that blinded his Reason; his Son the Lord *Dunblain* had the Reversion of the Auditors place; and the removal of him with the others, had reduced the Exchequer into his uncontradicted power.

The Ministers in State-Affairs, (that did not submit implicitly) found him not less ambitious; my Lord *Arlington* and Mr. Secretary *Coventry* seemed to have Writs of Ease in Forreign Affairs, and very often were reports and expectations of their leaving their places; and those that were upon better terms with him, were obeyers of his

F power,

power, and not sharers in any : and I am confident, whoever thoroughly examines this Lords Temper and Carriage amongst Men and business, he will hardly conclude it probable, that any regret could spring from his encrease of power ; rather the Character of a very great Man may be applicable to him, as to our part of the World :

Æstuat infelix angusto limite Regni. Juv. Sat. 10.

The reasons why this Lord entered unwillingly into Foreign Transactions, was, *because he always shew'd himself averse to the Counsels wherein he found His Majesty engaged ; and reckons up, The breach of the Triple League, a War with the Dutch, a League with France, and an Army of English then in France.*

These Particulars will not concern my Observations ; if any did amiss, let it be examined when there is such an Impartial Account as this pretended to be given : but upon this depends the following Paragraph, which ought not to be let pass without some Reflections.

He complains there, that the Nation was too hasty, and did not give this Lord time to *reduce things in such a posture as might be wisht ; and makes a Query, Whether it be not the most unsafe, as well as most unjust practice, for a Nation to discourage such Ministers as endeavour to draw their Master to his Kingdoms Interest.*

Here the Impartial Author lays the Foundation of his ensuing Arguments ; and resolving to Charge this Lords Crimes on the King, he first boldly attempts to make him a fit Subject to bear it ; and to lessen his own Impeachment, draws up one against his Sovereign, That he had forsaken the Interest of his Kingdom, and wanted this Lord to draw him to it.

With this gratitude, he seldom fails to pay his Majesty in every particular ; and having declar'd what a profest Enemy this Lord was to the French Interest, believing it destructive to this Nation, he desires,

That

That the Proceedings of this Lord may be *impar-* Page 9.
tially considered, and see whether they have not all tended to
 the *diminishing* the French Interest since his time; and if it
 have *diminish'd*, it will be hard to finde who else there was,
 besides himself, neer his Majesty, who had power and inclina-
 tion to do it, &c.

The Issue then to be joyn'd, is upon the Question
 begg'd, Whether the French Interest was diminish'd by
 this Lords Proceedings; but it will easily be granted, that
 'twould be hard to finde any neer his Majesty, besides
 himself, that had power: And then I hope if it appears
 that the French Interest grew enlarg'd in his days, 'tis as
 reasonable to apply his Power and Inclination to be the
 Causes of it, as it is for his impartial Friend to use them
 for the contrary.

I will pass over some Instances he gives, which cannot
 amount to the proof of the whole; as, the breaking the
 League with *France*, Peace made with the *Dutch*, the
 Duke of *Monmouth* call'd from the French Service, the
 Match with the Prince of *Orange*: all which are attribut-
 ed to this Lord, as the Custom is of any reputed Good.
 At which I will not quarrel, because I have yielded the
 point that he had all Power; but I will onely put him in
 mind of the Address from Parliament to the King to re-
 call the Forces from *France*, and the Bills pass'd in several
 Sessions to that purpose, even in those years when the
French so clearly ow'd Success to the *English*: and the
 Marriage of the Lady *Mary*, unless the Consequences had
 been happier, might rather be thought the disposer of the
 Prince of *Orange* to the Peace that follow'd, than be a pre-
 judice to the Interest of *France*, which prosper'd most
 after it.

In the same Paragraph, 'tis said, That every one knows
 that this Match altered the mindes of the Duke of *York*
 and Duke of *Monmouth*, that from being the greatest Af-
 feters of the French Interest, they became as forward as
 any for the War of *France*.

And

And this Conversion, it seems, assisted by the *Power* and *Inclination* of this Lord, brought on the Actual War with *France*, for which the Parliament gave their Money ; and by this we see it own'd, that all were *French* but this Lord, and people not so mistaken, it seems, that have been constantly jealous of it. But whether the Dukes of *York* and *Monmouth* have reason to thank him for declaring their Conversions, I know not, since he condemns them for an error which we found ill effects of ; but none on the contrary by the Conversion : and then he says the King had good intentions, &c. which implies, that he never had any good before ; as if he had *now drawn him to his Kingdoms Interest*. And as this Lord was pleas'd to order it, he never appears to have better after it : for whatever he is accus'd of, he charges upon the King, and acts as if agreed with what he pretended to know of the Opinion of the *French*, that they had the Kings Person and Government in the last degree of Contempt.

Vid. His Speech
in the House of
Lords at his
Charge.

I know not whether that Lord shrunk, when he spoke those words in the House of Peers ; but next the owning of such an Opinion of the King, 'twas an audacious Crime to own a Belief that any could retain such a Judgment of him. I hope this Lord is the onely person that thinks it either probable or possible.

But leaving this point, with blushes to have repeated such a thing, I will set down some general Observations of Publick Affairs, which will best shew whether the Diminution or Increase of the French Interest, was likely to be intended or effected in his time.

In the first place, to lay a Foundation to build upon, I suppose it may be taken for granted, that the Parliament did ever appear warmly averse to that Interest ; and of consequence, must give the greatest apprehensions to the French, that from them might proceed the onely fatal Opposition, and which was not probably to be diverted either by Skill or Money.

In

In *March* 76, the Commons in Parliament presented an Address, most humbly offering to his Majesties consideration, That the mindes of his People were disquieted with the manifest dangers arising by the Growth and Power of the French King, &c. And therefore humbly presented their Desires, that his Majesty would strengthen Himself with stricter Alliances, to quiet the mindes of his People, and preserve the *Netherlands*. The Kings Answer agreed, That the preservation of *Flanders* was of great consequence. But it seems, not being thought particular enough, it begot a second Address, on *March* the 26th, wherein they again more strictly prest the King to enter into such Alliances as might obtain those Ends. And in case that in pursuance of such Alliances, his Majesty should be engaged in a War with the French King, they promise chearfully, upon notice of it in Parliament, so to supply the King, as that he might prosecute the same with success. And in their Address of the 29th of *Jan.* 77, they humbly desired no Treaty, but such a one as might put the French King in no better an Estate than he was after the *Pyrenean* Treaty.

This sufficiently shew'd the temper of the Parliament, and their Judgment, That War it self was more suitable to the Interest of *England*, than the growth of the French Power. But this begot great Debates, and shew'd so many influenc'd, that they appear'd ill Witnesses for the boasted *Power* and *Inclination*; and presently after, while things of this great nature here had heavey motions, the frontier Towns were taken, as *Valenciennes* and *St. Omers*, &c.

I will not delay to set down the particular Reasons and Arguments that were raised against this constant Sense of the Parliament; nor the sharp Reprehensions they sometimes received from the Notions of their too-much invading the Kings sole Power in Peace and War. It shall suffice to observe, That those Reprehensions, Arguments, and Delays, did not seem to tend to the Diminution of the French Interest.

But to proceed : to make it yet more clear , that the growth of the *French Interest* and Power was nourish'd in the time of this Lords Power and Inclination , let it be fairly Examined what Proceedings here could most favour their growing Interest.

I will presume then to assert, That nothing could contribute more to it, than all means used to hinder the Parliaments engaging the King according to their judgment : and probably since it appeared , that notwithstanding all opposition by Debates , and displeasure shewed to some of the Addressees , they rather grew more warm than cooler in the pursuit ; what was left, but frequent Prorogations and Adjournments , to divert the weighty Stream of the Parliament from running with unresistible violence against the *French Interest* ?

Mr. Coleman was of this opinion, as plainly appears in his long Letter , where he saies , that it was their dependancy on the Parliament , that encouraged the Confederates to continue the War ; and that *their Dissolution would break all their Measures* : and there says, that the good Father he writ to before, so concurred in his Politiques, that *Colemans Tryal*, he assured him the King of *France would assist* pag. 40. *it with his Power and Purse* : and a little after gives an Account of the useful Prorogation to the 13th of April , being to a day so high in the Spring, that the thrifty Monsieur *Rovigny* thought would put Page 48. the Confederates beyond their Measures : and it appears, this Lord concurr'd also in their Politiques, that a Prorogation or Adjournment was ever a help at a Pinch ; for in his Letter to Mr. Mountague, dated the 17th of Jan. 71. he says , That the principal cause of the Adjournment for Thirteen days, was to see if an *Expedient for Peace might be found in that time ; and the effect of the Adjournment hath hitherto been , that no body will believe other than that the Peace is already Concluded betwixt us and France.*

I will not here set down the frequent Adjournments and Prorogations that were made , but onely observe , they kept

kept pace with the Success of the *French*, and were most frequent when they were most prosperous; and that this hapned in the years 77, and 78. when the *Power* and *Inclination* was boasted of; and in the same years the *French* grew so enlarged with Success, that it is improbable any but the Concerned Party should immediately affirm, that this Lords proceedings *tended to the diminishing the French Interest in his time.*

Since then the contrary so clearly appears, That in this Lords time the *French* Interest grew so enlarged; I hope it will seem more proper to give the words their true application, and to say, If it thus increas'd, *it will be hard to find who else there was near His Majesty, who had power and inclination to do it.*

I come now to the last great particular of this Lords Proceedings towards the diminishing the *French* Interest, *viz.* The Letter which was produced to the House of Commons, and hastned, or rather necessitated, by this Lords *Power* and *Inclination*; for 'twere hard to find any other about His Majesty, that could or would have endeavoured to have Mr. *Mountagues* Cabinets so violently seized; and had he believed, as his Impartial Friend affirms, That the Letter might justly have born *a wise and useful Construction both to the King and Kingdom*, he would not by so unusual a violence have implied a guilt in his own opinion, which is confirmed by that Secretie he enjoyns the Embassadour to use in the Negotiation, for fear of giving offence at home.

I will here continue my Method, not to delay upon arguing Particulars and Circumstances, where the right judgment must be drawn from the general, which is the subject matter it self; as, that Mr. *Montagne* confesses great Honour in this Lord; and that by a Letter to the King, himself says, That the Earl of *Danby* might have had more than ever he got by being Lord Treasurer, if he would have prevailed with the King to agree to the Propositions of the *French* King; and a little after cries, *That if the Ministers intended the setting up an Arbitrary Power at home,*
they

they would certainly neither have disoblighd the French King as they have done, nor refused his Money.

What Character Mr. Mountague gives this Lord in former Letters; or what opinion the *French* had of him, was onely lyable to a Reflection made by a Member of the House of Commons, when the Letters were read, That if the *French* had an apprehension that this Lord was not once their Friend, he was confident his own Letters shew'd that they had reason now to have a kinder opinion of him. What the Letter to the King himself was, how my Lord of *Danby* might have got Money, we know not; but it appears by his Letter now, that Money would have been accepted: but for the last Assertion, That the Ministers had disoblighd the *French*, needs no confutation, but what has been said of the whole course of things; which I fear they will never be so just to repay *England* by Counsels as weak as those which so much contributed to their Successes.

From these Arguments he concludes, *That it would puzzle the most uncharitable Censurer to find another cause than their unwillingness to enslave their Country, why Money from the French was refused.*

If this be a good consequence, That to accept *French* Money is to enslave the Nation; I hope it follows, that the Sum of Six Millions of Livres yearly, to be paid for three years, and offered to be accepted, was for the same purpose.

The last Evidences, instead of Coffee-houses, is now offered from Gazettes, and the Dutcheſs of *Mazarines* Lodgings; the first declares the ill-will the *French* had for this Lord; and the other being a place where the present *French* Ambassadour [is apt to speak more freely] *he used such Discourses as would convince any man, &c.*

If the *French* Gazettes gave such an Account of him, 'tis answered as the other was, That they had no such occasion now; and for the other proof, I have heard that the Dutcheſs of *Mazarines* Chamber has been more used to the free Discourses of the Confederate Ministers, than the
French

French Embassadours. But among these weighty Arguments and Evidences, I wonder 'tis omitted, that this Lord drunk a Confusion to the *French* at the late Bishop of *Canterbury's* house at dinner ; and I think it as full and cogent as most of the others.

But I am now brought close to the matter , by being desired to observe four things.

First, That the *Propositions sent, was onely a Copy of what Mr. Montague was to receive from the Secretary ; so that the thing it self was no Secret to them.*

This Argument seems very strange , because the Secretaries knew of the Propositions for the Peace ; which was likewise known to the Forreign Ministers: *Ergo*, the treating for so much Money for three years, to beget a right temper in Parliaments, was no Secret to them neither, though enjoin'd to be so, especially to the Secretary : The Logick would be as good, to conclude, That he that knows something, knows all things.

In that Letter also, 'tis fit to observe, that the King was sufficiently inform'd, that the *French* desired Peace upon the Terms sent by the Secretary ; but thinks it not fit to stay till the Desire was formally receiv'd , and the Embassadour as formally empower'd to propose, for fear the time should be lost of effecting the Peace ; that is, for fear the Market should be miss'd of contracting for so much Money as might secure against the Troubles of Parliaments for some years. And if Adjournments and Prorogations have been the usual prudence , certainly a well-bought Dissolution (for three years at least) must needs be thought admirable Politiques.

The second is, That the Propositions were not originally the Kings , *but the Confederates ; so that the King was to gain nothing by making the Market either higher or lower : and the French had often experience that his Majesty would not do otherways.*

This second way of Arguing, is as strenuous as the former , and bears equal resemblance to the reason and nature of it: for 'tis still grounded upon the Propositions,

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That

That they were originally the Confederates ; who at that time were too much discourag'd to hope or propose any thing equal to the Common Interest : And therefore the Market was to be made up in the preventing that which might raise their spirits, the meeting of Parliaments. Which Mr. *Coleman* (whose policy agreed with this Lords) declares to be the Fountain of their Resolutions. So that the Logick appears this :

There was no Markets to be made of the Propositions ;
Ergo, there was no Market to be made of Parliaments.

The third continues in the same Method ; which is laid down as a full justification of his Majesties Honour in that point , and that he had no designe of getting the Money for the purposes suggested against the Earl of *Danby* ; for in that case he would not have considered the gain or loss of the Confederates. And Mr. *Mountague* is expressly forbidden in the Letter, to mention the Money at all, in case the *French* King did not accept those very Propositions of the Confederates , and in the Terms as his Majesty receiv'd them from his Embassadour at the *Hague*.

This Argument also is like the rest, grounded upon the Propositions ; and is made to prove, that the Money was not designed for ill purposes, because there was so great a care expressed of sticking entirely to the Propositions. Sure he forgets that but a little before he says, That this Lord in his Letter assures him, that they were sufficiently inform'd , the *French* desired Peace upon those Propositions. It seems strange then, that the justness of sticking to them, should be so insisted upon, when the *French* had given their permission by the approbation of them.

I wish that in this Paragraph the Argument and respect for his Majesties Honour had been better defended , or wholly let alone ; but first to bring the Kings Honour in question, and then to argue so ill in the defence of it, was two great, though not equal Crimes : for no guilt but Treason, can exceed or equal that of too boldly meddling with that sacred Subject.

The

The Fourth is a new sort of Argument, from the last words of the Letter, where the Earl tells Mr. Mountague, *That he believes that would be the last time any Proposals of Peace would be made ; and that he is confident they will not be accepted , wherefore he might accordingly take the Kings Measures and his own.*

How to apply this Argument for any use to this Lord, I know not ; it onely expresses an apprehension or opinion, That the Proposals would not be accepted : sure he cannot mean the Proposals that he says were received from the Confederates ; for those he was informed were desir'd by the *French* : it could be onely the Propositions for the Money, that probably gave the apprehensions of the refusal.

After these four Observations, he proceeds to that expression about the Parliament (which he supposes has been a principal Cause of giving them offence) and plainly avows, that he has heard this Lord say, That His Majesty caused that expression to be used, onely for a Motive to persuade the King of France to give a greater Sum than Six Millions of Livres, which then had been offered ; and because otherways in the ill posture things then stood betwixt the two Kings, the French King might suspect whether the King of England would agree to any Peace at all : And these being the whole Contents of the Letter, and it being writ by His Majesties express Order, you will easily conclude this Lord could not be so hardly prosecuted for that onely, were there no other Causes for it ; when in truth he believes there are very few Subjects but would take it ill not to be obeyed by their Servants, and their Servants might as justly expect their Masters protection for their Obedience.

Before I enter upon the Argument of this Paragraph, 'tis fit that I should first avoid the Crime that I presume to Condemn in this Lord : for if I should endeavour to prove the thing to be ill in its own nature, and by silence leave the King entituled to it, I should share the guilt so common to this Lord ; I will therefore first endeavour to do my self that Justice, which the Law does the Nation, to
separate

separate the King from wrong or dishonour ; and I will after in a more proper place examine the Argument drawn from Obedience.

I need not go about to prove the well-known Maxime of the Law , *That the King can do no wrong* ; and if he cannot be liable to do wrong , none can entitle him to be the Author of wrong done : and this is not onely matter of Law, but grounded upon Prudence and Necessity ; for to allow it to be possible that a King could do wrong, and yet that he is accountable to none but God , were to grant there is a mischief without the Compass of the Laws ; and 'twere rational if the King could commit the offence, that he should be subject to Men to judge the punishment ; therefore justly 'tis said of the Antient Lawyer *Braeton* , who wrote in *Hen. 3.* time : *Ipse autem Rex non debet esse sub homine, sed sub Deo, &c.* and by the same reason the Kings Honour is as little subject to Men as his person ; accordingly the Act of the 13th of the King expresses a care of the Preservation of His Majesty, by declaring, That in his Honour and Happiness consisted the good and welfare of his people : so that of consequence , any one that attributes dishonour to the King , is an Offender against the good and welfare of the people.

On the other side, if any Favourite or Councillor should be discharged from ill Actions or Counsels, by charging the King with the allowance or knowledge of them , what an encouragement might this be for guilty men , and what an *Asylum* to fly too when the guilt is committed ? In the same Act there is a heavy sentence on any that shall say the King is a Papist , or shall any ways, by Word or Writing, publish or utter any thing to incite people to the hatred or dislike of the Kings Person. I would desire any to consider, whether any of these Crimes would be answered by Pleading , that what was said , was spoken by the Kings knowledge and allowance ; it would appear, the King that can do no wrong, cannot avow the wrong done to him and his people. If this should appear rigorous to any, let them but equally compare the inconveniencies on
both

both sides, and it will appear by this way, some particular men of shaken Consciences and Principles may suffer by their own folly ; but by the other way, the Publick may suffer under the protected guilt of a few Corrupted or Ambitious persons.

And since in all Ages it appears, how soft men are to the Impressions of Wealth and Power ; how just will it seem there should be no excuse for ill Councils ; and those that will undertake the care of great things, ought to bear the weight and hazard of the Employment : This would increase the care of doing well, and opposing ill ; and great men would find it better and safer to depend upon their own Vertues, than on their Flatteries ; and Truth will then appear the best Policy, when Falshood becomes the greatest danger. And I will venture to adde this farther Remark, That this Lord has been bolder in this way, than ever any Subject was ; and it looks like an ill return to his Gracious and Bountiful Master, that he never entitles him to any thing for his Honour ; but as I observed before in the business of the Goldsmiths, he wholly attributes the good Action to himself, and would make the Kings Treasure purchase his honour and esteem.

I have heard of such generous Friends that have charg'd themselves with their Friends Misfortunes, to make themselves capable to suffer for them ; but this Lord has not acted so for his King ; but on the contrary, would fix ill things on him : for if what was charg'd upon him had been avowable, there was no need to make any other Plea, than what might proceed from the nature of the thing.

This brings me to consider the Expression about the Parliament, which he might justly indeed suppose had been a principal cause of giving offence.

Having now with just duty separated the King from the concern of this matter, I dare proceed to consider it with the reason of the Paragraph.

I agree with the Author, That the Clause that gave the Parliament Offence, (he might have added, and every *English*-man that read it besides) was this :

In case the Conditions of the Peace shall be accepted, the King expects to have Six Millions of Livres yearly for three years, from the time that this agreement shall be signed betwixt His Majesty and the King of France; because it will be two or three years before he can hope to find his Parliament in an humour to give him Supplies, after the having made any Peace with France.

The reason given for this Clause is remarkable; That it was inserted onely for a Motive to perswade the King of France to give a greater Sum than six Millions of Livres; because otherwise, in the ill posture things stood in, the French King might suspect whether the King of England would agree to any Peace at all.

I cannot imagine the force of this Argument, unless it be to shew, That there was no Motive to the French King to give Money largely, nor to make him believe the King of England was firm to him, but the Conditions of keeping off Parliaments.

How clearly does it now appear, That this way onely the French believed their Interest was to be supported; and as if the old Arts of Adjournments and Prorogations had not been sufficient, it is projected now to let a Lease of Parliaments to the French for three years; and 'tis reasonably guest they would have been out of humour to grant Supplies, when Supplies were gotten from others to destroy them; but how after three years the Parliament should be brought in humour, is not to be supposed; 'tis more probable that the Lease would have been renewed.

The next Objection to this Letter (he says) has been, That it was Writ the 25th of March, 78. which was five days after the Parliament had past an Act to raise Money for an actual War with France.

This is confest to be true; but Answered,

First, *That an Act to raise Money for a War, is no Declaration of the War.*

But that Act was grounded upon a Message from the King to the Parliament for an Actual War, and 'twas so declared

clared to be by one of the Secretaries in the House of Commons : but now 'twill be hard for this impartial Friend to advise his Lord which to stand to, whether the King was Author of the Message sent by the Secretary, or of the Clause in his Letter : for sure, though he has been very bold with the King, yet he would not make him own Contradictions at the same time.

The second is, That till such Declaration, all Treaties are lawful ; and even then too, if the King pleases, in whom the sole power of making Peace and War is made by Law.

There is no question, but in the time of War declared, the King may treat of Peace ; but whether this Lord may treat for it in such a way, as by the clause of the Letter, is the more proper Question.

Thirdly, he says, That the Kings Embassadors were then at *Nimegen* treating of Peace, *and were indeed never recall'd, nor forbidden to treat the Peace ; and can it be thought a fault, for a Minister to obey the Kings Orders at home, on the same Subject upon which other Ministers were acting at the same time abroad ?*

This is the usual manner of Arguing ; but it it affords some new matter of Answer, which arises from observing, that the Ministers abroad treated upon the same Subject as this Lord did at home ; which implies, they all treated for so much Money to be the price of Parliaments, or else this Minister may be in fault, though the others were not : But I suppose the Ministers were not so bold upon this point abroad, as this Minister was at home ; and if not, the Argument is at an end.

The fourth Argument is composed of no new matter, till at the latter end 'tis said, That had it been a Crime, his Majesties Embassador at *Paris* must be in as much (if not more) fault to have obeyed the Kings Orders at second hand, as this Lord was, to obey his Majesties immediate Commands from his own mouth, and signed by his hand.

I have before taken notice how little it adds or diminishes to any Offence, to compare it with what others have committed; it being onely just and proper, that every thing should bear its own weight: But if it were not so, I should not trouble my self to dispute whether the same fault was greatest in the first or second concoction; but possibly the first might be the Adviser and Obeyer both, which the last could not be. But perhaps the meaning of this is, that the Embassadour had been in the greatest fault, if he had believed this Lord, that it was the Kings Order. But Mr. Mountague did not seem guilty of such an Errour, as to believe so much in this Lord, or so well of the business; yet in his Speech in the House, as well as in his Letter, he affirms, He could produce the Kings Hand for the most material things, and particularly for the Letters now made use of against him.

I know not what Papers such a one, so great in the Kings Trust, and who usually presented him with so many, might get sign'd; but he had shewed the same respect to the King to have published them, as to own he had them.

After this, he winds up all upon this sure bottom, in these words.

In short, it would be ill for Ministers of State, and worse for their Masters, if the one may not Command, and the others be obliged to Obey, &c.

Though this Argument of Obedience has been often us'd, I thought here would be the properest place to take notice of it; remembring a little before he says, *There are very few Subjects, but would take it ill, not to be obeyed by their Servants; and their Servants might as justly expect their Masters protection for their Obedience.*

I desire any Reader, more Impartial than this Author, to consider the falseness of this in every particular. First, sure there are few Masters that would expect Obedience from their Servants in unlawful things; and the Servants could less expect protection, unless their Masters were above the Law. The great Master of the Nation can give no more
pro-

protection, nor require more Obedience than the Laws of God and man allow. If Obedience is the excuse of ill acts, it ceases to be a good Duty; and if Absolution be fixt to Obedience, all Crimes have lost their natures, and Counsellors should onely be sworn to a Princes Will, and not his Interest. If a Prince of another Religion should command a Change in me, would the Obedience be a good Plea at the last Tribunal? And the reason holds the same in every lesser Crime: but this Argument of such an Implicite Obedience, is onely put into the disguise of Conscience, to prevent the true Obedience of Christianity, rather to suffer than do ill; but such a notion of Conscience is much more pleasant, that shelters Interest and Ambition, rather than the other that exposes them to hazard.

I have now gone through this Lords performances, in the Treasury and State-Affairs; and as for that which follows about the Murder of Sir *Edmundbury Godfrey*, I easily agree them to be Libels that Charge this Lord with it; and think it must be an accusation against the Witnesses, Judges, and Jury; and I for my part must confess, that the matter appeared to me clearly and fully prov'd.

As to what relates to the Popish Plot, I leave it to others that know more; not pretending to meddle with any thing that I have not had some particular knowledge in; and therefore shall say little to his concluding Argument, upon an Objection raised by himself, *Why an Innocent man should withdraw from his Tryal, and then upon his Appearance quit all Defences, and betake himself to a Pardon?* But this particular of making a Defence, or relying upon a Pardon, belongs onely to the Lord himself; and to draw Arguments from thence to imply a guilt, would rather shew a desire to find a Crime, than prove it. Nor will I meddle with the nature of his Pardon, by what means obtained, or how valid; that must be considered in a more proper place; and 'twere too much confidence in any single Writer, to Anticipate a Parliaments Judgment: but

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this

this Impartial Writer taking it for granted that he has made it evident that this Lord was a good Minister and a good *Englishman*, he concludes, that it may be reasonably objected from thence, Why a man so qualified to defend himself, should quit all Defences but his Pardon: but if by the Observations that I have made, the contrary does appear, his Pardon was certainly the best Defence to insist on.

The Conclusion of this whole matter brings me to my last Observation, upon the Complaint made, *That Innocence is no Protection to Prince or Subject*; for one, he instances the last blessed King; for the other, this Lord; and makes the severity of their Cases equal. This indeed, if true, is a sufficient answer for Pleading his Pardon, when his Innocency could be no Protection; and agrees with the foundation laid down in the beginning, *That Malice had too great a share in his Prosecution*; so that he returns a Charge upon his Prosecutors the Commons for Malice; and against his Judges and Jury the Peers, as no regarders of Innocency: though in this Lords Case, arguing against the Libellers that would fix Sir *Edmundbury Godfrey's* death on him, he says, in that they did accuse the Witnesses, Judge, and Jury that Condemned others for it; but now it seems he argues another way, not allowing so much favour to Lords and Commons, as to the others. Nor does he deal less boldly with all Kings and their Reputations that come in his way; upon this King he endeavours to fix many of the Crimes charg'd on him; and with his Fathers Sufferings and Virtues compares his own; the excellent nature and bounty of the first, as little merited the return, as the Case of the last did the Comparison.

I have not wanted Reflections, That it seems severe to endeavour to adde weight to the Unfortunate; and were there no cause given, I should censure it as a want of generosity to say any thing, though true, that might adde to Affliction: but since 'tis charged upon all, *That Malice may have too great a share in the Prosecution of this Lord*; I preferred my Duty to the Publick, before any particular
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consideration, in presenting these Observations, to inform them of those Truths, which by so many disguises are turned into Masquerade, and needed some that were well acquainted with them, to make the discovery of every particular; and the Reader is now left to judge, whether they are well used in the promise of so much Truth, in this Impartial Case of the Earl of *DANBURY*.

FINIS.

1835
The first of the year
was a very dry one
and the crops were
very poor. The
winter was also very
dry and the crops
were very poor.